



United States  
Department of  
Agriculture

Forest  
Service

Ashley National Forest

Supervisor's Office  
355 North Vernal Avenue  
Vernal, UT 84078

m/013/002

File Code: 1950-1/2810

Date: April 9, 2002

RECEIVED

APR 10 2002

DIVISION OF  
OIL, GAS AND MINING

D. Wayne Hedberg  
Permit Supervisor  
Utah Division of Oil, Gas and Mining  
PO Box 145801  
Salt Lake City, UT 84114-5801

Dear Wayne:

On April 5, 2002, Forest Supervisor, Bert Kulesza made a decision to approve a proposal by the Uintah Mountain Copper Company to excavate and remove hematite from one of the company's un-patented mining claims located in the Slate Creek drainage of the Ashley National Forest. This decision includes the implementation of several mitigation measures to assure minimal adverse environmental impacts.

This decision is subject to appeal pursuant to 36 CFR 215.14. A written appeal must be submitted within 45 days following publication of this decision in the Vernal Express newspaper. Send appeals to: USDA Forest service, Intermountain Region, Attn: Appeals Deciding Officer, 324 25<sup>th</sup> Street, Ogden, UT 84401.

It is the appellant's responsibility to provide sufficient written evidence and rationale to show why the decision should be remanded or reversed. An appeal must meet the content requirements of 36 CFR 215.14.

If no appeal is received, this decision may be implemented no sooner than five business days from the close of the appeal period. If an appeal is received and the decision is affirmed, implementation may occur no sooner than 15 days from the date of the appeal decision.

Attached is a copy of the Decision Notice. The Environmental Assessment and Decision Notice are also available on the forest's website at [www.fs.fed.us/r4/ashley](http://www.fs.fed.us/r4/ashley).

Sincerely,

BERT KULESZA  
Forest Supervisor

Enclosures



**DECISION NOTICE  
AND  
FINDING OF NO SIGNIFICANT IMPACT**

**For the Proposed Ore Exploration and Development Project**

**UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE**



**Duchesne/Roosevelt Ranger District  
Ashley National Forest  
Duchesne County, Utah**

**DECISION NOTICE  
AND  
FINDING OF NO SIGNIFICANT IMPACT**

**Introduction**

This document includes my decision on a proposal submitted by the Uintah Mountain Copper Company of Price, Utah to excavate and remove hematite (iron oxide) ore from one of the Company's 30 unpatented lode mining claims located in the Slate Creek drainage of the Ashley National Forest. Slate Creek drainage is located approximately 25 air miles northwest of Duchesne on the Duchesne/Roosevelt Ranger District.

The proposed action and alternatives are briefly summarized in the following section. Subsequent sections include my decision, the rationale for the decision, statements and summaries of no significance, appeal and review rights, and schedule for implementation.

The analysis and evaluation of the subject proposal is included in an Environmental Assessment (EA), entitled "Ore Exploration and Development Proposal-Duchesne/Roosevelt Ranger District, Ashley National Forest". Copies of the EA can be obtained from the Forest Supervisor's Office, 355 North Vernal Avenue, Vernal, Utah 84078.

**Proposed Action and Alternatives**

The Ashley National Forest interdisciplinary team analyzed and evaluated UMCC's Proposed Action and alternatives in accordance with the laws, regulations, and policies associated with the National Environmental Policy Act (NEPA).

**Proposed Action**

Uintah Mountain Copper Company (UMCC) began survey work, claims identification, and claims filing in the Slate Creek drainage as early as 1936. From 1936 to 1995, UMCC performed discovery and exploration work on its claims. Recently, UMCC submitted a proposed Plan of Operations that

initiated the analysis disclosed in the EA. The Plan of Operations is described in the EA under "Alternative A - Proposed Action".

The proposed action is to excavate a 0.05-acre test pit area and remove approximately 650 cubic yards (1600 tons) of hematite (iron oxide) ore from the claim area filed as Sunshine Quartz Claim No. 4, located in Section 15 of Township 2 North, Range 6 West, USM. The ore will be excavated by heavy equipment, temporarily stored at a site near the test pit, and eventually transported by long-haul trailer trucks to a pilot processing plant in Price, Utah. Excavation, storage, and removal operations will take place over a 60-day operating period during the summer and fall months of 2002, followed by cleanup and rehabilitation and monitoring work in the late fall of 2002 and following summer of 2003. The intent of UMCC's proposal is to determine the extent, quantity, and quality of hematite ore and its marketability in the specialty natural pigments market.

#### Alternative B - Modified Plan of Operations

Alternative B includes modifications to UMCC's proposed Plan of Operations, as well as mitigation measures in addition to UMCC's proposed environmental protection measures. This alternative addresses environmental issues noted during the public scoping process and includes measures to eliminate significant impacts and minimize non-significant impacts to vegetation, wildlife, soils, water quality, air quality, wilderness values, roadless areas values, recreation users and uses, and public facilities.

#### Alternative C - No Action

The 'no action' alternative is described by conditions that preclude excavation and ore removal (disapproval and rejection of UMCC's Plan of Operation). As part of this alternative, rehabilitation and closure of all areas of past disturbance associated with discovery and exploration would be required. Although technically feasible, this alternative does not comply with Federal land and mineral laws, regulations, and policies. Nevertheless, this alternative is included in order to quantify baseline environmental conditions that would exist if exploration and development operations were to end and proposed operations were not initiated. This alternative is in compliance with Section 1502.14 of CEQ's NEPA Implementing Regulations 40 CFR 1500-1508. As discussed in CEQ's 40 Most Asked Questions...."the NEPA regulations require the analysis of the no action alternative even if

the agency is under a court order or legislative command to act....This analysis provides a benchmark, enabling decisionmakers to compare the magnitude of environmental effects of the action alternatives. It is also an example of a reasonable alternative outside of the jurisdiction of the agency which must be analyzed." If UMCC decides not to proceed with the project activities listed under the preferred alternative, the company will be required (by Federal and State of Utah mineral laws, regulations, policies, and codes) to comply with all site rehabilitation and restoration mitigation measures listed for Alternative C-No Action.

### **Public Scoping**

Public input for the Uintah Mountain Copper Company Test Pit/Ore Extraction Proposal was invited through public notices and mailing of scoping documents on April 18, 2000. Forest Service specialists were also consulted, and an Interdisciplinary Team (IDT) was involved throughout the analysis. The IDT identified five key public issues for environmental analysis. In addition, the IDT identified six management concerns for the proposed action. The eleven issues and concerns address the potential effects of the proposed action and alternatives on the following resources:

- |  |  |
|--|--|
| -Wildlife habitat  | -Inventoried Roadless area                   |
| -Vegetation  | -Visual quality                              |
| -Sensitive areas   | -Native American uses                        |
| -Water quality   | -Public access and safety                    |
| -Small or large mine activities, as identified by the State of Utah Department of Natural Resources- | -Air Quality                                 |
| Division of Oil, Gas and Mining  | -Infrastructure, including roads and bridges |
| -High Uintas Wilderness  |  |

The analysis in the EA for the 11 issues and concerns and associated resources includes a description of the issue and related resource, the environmental consequences to the resource from implementation of the proposed action and/or alternatives, and the protection and mitigation measures for eliminating or reducing environmental effects to the resource.

In addition, on September 25, 2001, I sent a letter to all concerned publics (with an enclosed copy of the EA) asking for review and comments on the analysis and evaluation. Six comment letters were received, and those commenting identifying areas of concern and recommendations for change. Each comment is addressed on pages 5 through 16 of this document under the Section, "Finding of No Significant Impact".

A complete review and documentation of the scoping effort can be found in the analysis file in the Ashley National Forest Supervisor's Office.

### **Decision**

In accordance with the Federal Land Policy and Management Act of 1976, the Forest Service must consider that all National Forest System lands are available for mineral exploration and development unless the lands in question are withdrawn from entry. National Forest System lands occupied by Uintah Mountain Copper Company's mining claims have not been withdrawn from entry. In addition, mining laws for legal claims require that existing and future mining development proposals on Forest lands not withdrawn from entry be accepted, analyzed, evaluated, and permitted, based on environmental protection and mitigation measures. On these premises, and the analysis, evaluation, and the environmental protection and mitigation measures listed on pages 2-19 through 2-32 of the Environmental Assessment, my decision is to require UMCC to modify their Plan of Operation according to the direction included in Alternative B-Modified Plan of Operations.

The Forest interdisciplinary team developed 49 mitigation measures. These measures are in addition to Uintah Mountain Copper Company's 27 proposed environmental protection measures. The Forest Service mitigation measures change and modify the majority of the company's proposed project activities, with the objective of eliminating or reducing environmental impacts. The mitigation measures also include intensive monitoring requirements to assure implementation and acceptable site rehabilitation and restoration. All mitigation measures are requirements that will be made part of UMCC's Plan of Operations. The measures are not negotiable, and UMCC will be responsible for the cost of full implementation.

### **Finding of No Significant Impact (FONSI)**

I determine that the decision to implement Alternative B-Modified Plan of Operations does not have a significant impact (in context or severity) on the affected region, the affected interests, and the locality. For this reason, no environmental impact statement will be prepared.

The reasons supporting the FONSI are presented in the following paragraphs (as required by NEPA and the Council on Environmental Quality (CEQ) NEPA Implementing Regulations 40 CFR 1500-1508). The supporting reasons are summaries of: a) the issue (resource) analyses included in the Environmental Assessment, and b) responses to public comments received during and after preparation and publication of the EA.

*Note: Forest interdisciplinary team members and I (as the deciding line officer) did a content analysis of all public comments received during and after preparation and publication of the EA and prepared detailed responses to each comment. Some of our responses resulted in changes in word tenses and meanings, but not to the effects analysis. All changes resulting from the content analysis and responses to appropriate mitigation measures will be included in UMCC's revised Plan of Operations. The detailed responses and minor changes are made part of this Decision Notice and FONSI by reference. A copy of these detailed responses and changes is available upon request from the Forest Supervisor, Ashley National Forest.*

Of the 10 points of significance listed under section 1508.27(b) of the CEQ Regulation, the following ones will not be discussed further for these reasons: there are no unique geographic features; no highly uncertain or unknown risks; no historic or cultural sites; and no violations of Federal, State, or local laws. Other points of potential significance are summarized as follow:

**-Precedents for Future Actions with Significant Effects -**

As disclosed in *Section 1.6, page 1-12 (Decisions to be Made)* and *Section 2.2, pages 2-4 through 2-42 (Descriptions of the Alternatives)* of the EA, the Forest Service accepted and analyzed UMCC's Proposed Action for: a) test pit excavation and ore removal at the UMCC's claim filed as Sunshine Quartz Mine No. 4, and b) temporary storage and eventual transport of the ore to an off-Forest pilot processing plant. UMCC's Proposed Action did not include future claim development operations; therefore, the EA did not address and analyze future operations. All future development operations on



Sunshine Quartz Mine No. 4 and on other adjacent UMCC claims will require a new proposed action from UMCC and corresponding analysis and evaluation in the appropriate NEPA document, i.e., environmental assessment or environmental impact statement.

UMCC will be required to rehabilitate the 0.3-mile portion of the access road within the Sunshine Quartz Mine No. 4 area, and the camp/ore storage and transfer site. Time frames will be extended as needed to allow monitoring and completion of reclamation work, after which the 0.3-mile access road and temporary camp/ore storage and transfer site will be closed. *(Refer to pages 2-25 through 2-32, Section 2.2.b.1 of the EA - Mitigation Measures and Monitoring Guidelines Developed by the Interdisciplinary Team).*

**-Vegetation -**

Impacts on vegetative cover will be minimal and not significant because only 0.25 acres of vegetative cover will be affected. Disturbed areas will be seeded immediately following operations, followed by monitoring to assure successful reestablishment. *(Refer to page 2-9 and page 2-39 of the EA, Table 2.2 -Summary of Disturbed Areas within Sunshine Quartz Mine No. 4, and Table No. 2.8-Summary of Consequences, and to pages 4-1 through 4-4 of the EA, Section 4.1.b - Vegetation and Surface Resources.)*

**-Wildlife -**

**Threatened and Endangered Species - Canada Lynx**

No habitat of this species will be altered. Only indirect impacts (equipment noise) will occur in the potential habitat of this species near the claim area. Noise impacts will occur during daylight hours only for the 60-day operations period. *(Refer to page 4-7 of the EA, Section 4.2.a - Threatened, Endangered and Proposed Species).*

**Forest Service Sensitive Species - Northern Goshawk and Spotted Bat**

The Ashley National Forest has information (Ashley NF unpublished data) that northern goshawk fledglings are not dependent on the PFA after September 1-10<sup>th</sup> on the Forest. The test pit is not within the 6000 acre foraging area for the goshawk. A small section of the road used to access the mine is within the 6000 acre foraging area (less than 80 acres of the 0.6 miles of access road). The paved road to Moon Lake



Recreation Complex (Moon Lake campground and resort) receives a significant amount of vehicular traffic. Nesting and fledging information from the Moon Lake Goshawk indicates that this particular goshawk has successfully bred and raised young in the presence of this disturbance. The amount of use from the mine access road associated with this project, which is on the fringe of the goshawk foraging area, will be insignificant in comparison to the paved access road to the Moon Lake Recreation Complex. Uintah Mountain Copper Company has also agreed to restrict project activities during active nesting; thereby eliminating or minimizing potential impacts.

Only 0.05 acres of potential Spotted Bat habitat will be affected. The Slate Creek drainage and adjacent Lake Fork drainage consists of hundreds of acres of potential spotted bat habitat.

*(Refer to page 4-8 of the EA, Section 4.2.b - Forest Service Sensitive Species - Northern Goshawk and Spotted Bat).*

Forest Service Management Indicator Species - Mule Deer, Elk, Golden Eagle

Alternative B -Modified Plan of Operations will not reduce the forage or amount of escape and hiding cover for deer and elk, and no Golden Eagle nests exist within the project area. *(Refer to pages 4-8 through 4-9 of the EA, Section 4.2.c - Management Indicator Species).*

Cumulative effects for all wildlife species will be minimal as pointed out by the Wildlife Biologist on page 4-9 of the EA, Section 2.2.d - *Wildlife Cumulative Effects*). This is mainly due to the small scale and short duration of the test pit and ore removal operation, as well as the relatively few past and ongoing activities in the project area.

The above conditions and conclusions are stated in the Wildlife Biological Evaluation prepared and on file for this project.

-Fish-

There will be no effects to the endangered fishes (Colorado pikeminnow, razorback sucker, bonytail, and humpback chub) of the Upper Colorado River system from water depletions at the project area.

Uintah Mountain Copper Company will use approximately 40,000 gallons of water (0.12 acre feet) for dust abatement. The company will obtain this water under agreement from an existing water right, and the quantity of water used will be part of the water allocation for the water right. Thus, water depletions will not occur. *(Refer to page 2-20 of the EA, Section 2.2.a.1-UMCC's Proposed Environmental Protection Measures; page 2-30 of the EA, Section 2.1.b.1-Mitigation Measures and Monitoring Guidelines Developed by the Interdisciplinary Team; and page 4-23 of the EA, Section 4.4.b - Hydrology/Water Quality - Alternative B-FS Modified Plan of Operations).*

There will be no effects to the Colorado River cutthroat in Brown Duck Creek or potential habitat in Slate Creek from project activities.

The Forest ID Team determined through onsite evaluation and analysis that the erosion control protection and mitigation measures developed by UMCC and the Forest Service for the 1.7-acre ore extraction site will prevent water runoff and sedimentation from crossing approximately 1,750 feet of slope distance to Slate Creek. (Slate Creek has its confluence with Brown Duck Creek lower in the drainage.) The protection and mitigation measures are designed to keep the majority of runoff water on site during all project activities. Some runoff water discharges will occur downslope during moderate to heavy rainstorms. Due to extremely rocky slopes, water runoff will be impeded and contained within the first 500 feet of slope distance. (The company will not use water for ore extraction work. Therefore, water runoff will occur only as a result of rainstorms.) Also, refer to the Water Quality section below.

*The erosion control protection and mitigation measures are found in Sections 2.2.a.1) and 2.2.b.1), page 2-19 through 2-32 of the EA.*

Potential danger to fish and fish habitat from storage of hazardous wastes will not occur. As stated in *Section 2.2.a.1), page 2-19 of the EA*, fuels and other equipment operating fluids will not be stored within the project area. Such fuels and fluids will be brought to the project area by service trucks, as needed.

The above conditions and conclusions are stated in the Fisheries Biological Evaluation prepared and on file for this project.

**-Soils -**

Potential soil wasting and slope failure will be limited to the 0.05 -acre test pit area. *(Refer to Section 2.2.a - Alternative A, page 2-4 of the EA).* Uintah Mountain Copper Company and the Forest Service have developed mitigation measures to control soil erosion and slope failure at the test pit area. The company will be required to install or place gabion rock retaining structures, rock fall catchment terraces, internal drains, fabric reinforcement, and excelsior or wood fiber slurry on erodible surfaces. This work will eliminate or significantly reduce erosion and potential slope failure from test pit excavation; and also satisfactorily reduce cumulative effects from past discovery and exploration work in the claim area. *(Refer to erosion control protection and mitigation measures in Sections 2.2.a.1) and 2.2.b.1), page 2-19 through 2-32 of the EA; and Sections 4.3a and 4.3b - Soils-Alternatives A and B, Current Plan of Operations and Modified Plan of Operations, pages 4-11 through 4-14 of the EA).*

Borrow areas will not be needed for topsoil replacement on any project site. I concur with the analysis done by Ashley National Forest Interdisciplinary (ID) Team on this matter. The ID Team concludes that topsoil will not be segregated on the 0.25 acres of disturbance associated with the spur roads and test pit area within Sunshine Quartz Mine No. 4, due to thin soil layer conditions. *(See pages 4-12 and 4-13 of the EA.)* In addition, the Forest ID Team recommends that topsoil replacement not be done on these 0.25 acres, due to the extremely rocky nature of the overburden that will be replaced after ore extraction. The Forest ID Team has determined that topsoil will not properly compact or subside on the rocky surface.

This analysis and determination is not clearly stated in the EA or in the accompanying mitigation measures for the selected alternative. Therefore, the following wording will be added to the mitigation measures as presently included in *Section 4.3.b, "Soils within the Project Area, page 4-12, and "Requirements", page 4-13; and in Section 2.1.b.1) "Mitigation Measures and Monitoring Guidelines Developed by the*

*Interdisciplinary Team" for Soils, Hydrology and Water Quality, pages 2-26 and 2-27. These measures will supersede conflicting Protection Measures developed by UMCC, and UMCC's Plan of Operations will be revised accordingly.*

Section 4.3.b, "Soils within the Project Area, page 4-12

*The majority of overburden to be removed would be extremely rocky in nature.*

Section 4.3.b, "Requirements", page 4-13

*Topsoil replacement would not be done on the 0.25 acres of spur roads and test pit area within Sunshine Quartz Mine No. 4, due to the extremely rocky nature of the overburden that would be replaced after ore extraction. Analysis and evaluations indicate that topsoil would not properly compact or subside on the rocky surface of the replaced overburden.*

Section 2.1.b.1), Mitigation Measures and Monitoring Guidelines Developed by the Interdisciplinary Team - Soils, Hydrology, and Water Quality, page 2-26

*Topsoil replacement would not be done on the 0.25 acres of spur roads and test pit area within Sunshine Quartz Mine No. 4, due to the extremely rocky nature of the overburden that would be replaced after ore extraction. Analysis and evaluations indicate that topsoil would not properly compact or subside on the rocky surface of the replaced overburden.*

Topsoil replacement will not be done on the 0.3 miles of the existing access road within Sunshine Quartz Mine No. 4, again due to the lack of adequate topsoil and the rocky nature of the existing surface and soil profiles. The exception will be the truck-turn-around area at the end of the 0.3-mile access road, where topsoil exists and will be stockpiled for later reclamation work at this particular area. (Refer to Section 2.1.b.1), Soils, Hydrology, and Water Quality Mitigation Measures, page 2-27, and pages 4-20 through 4-24 of the EA, Section 4.4.b - Hydrology/Water Quality - Alternative B-FS Modified Plan of Operations). The 0.3-mile access road will be closed after completion of all rehabilitation work. Road surfaces will be scarified, and drainage structures will be installed as indicated in the Section 2.2 Descriptions of the Alternatives, Figures 5, 5A, and 6, pages 2-16 through 2-18 of the EA. To clarify this matter, this same wording will be added to the EA in Section 4.3.b, "Requirements", page 4-13 and Section 2.1.b.1), Mitigation Measures and Monitoring Guidelines Developed by the Interdisciplinary Team - Soils, Hydrology, and Water Quality, page 2-26.

These measures will supersede conflicting Protection Measures developed by UMCC, and UMCC's Plan of Operations will be revised accordingly.

Section 4.3.b, "Soils within the Project Area, page 4-12

*The Forest ID Team also determined that topsoil replacement would not be done on the 0.3 miles of the existing access road within Sunshine Quartz Mine No. 4, again due to the lack of adequate topsoil and the rocky nature of the surface. This access road would be closed after completion of all rehabilitation work. Road surfaces would be scarified, and drainage structures would be installed as indicated in the Section 2.2 Descriptions of the Alternatives, Figures 5, 5A, and 6, pages 2-16 through 2-18.*

Section 2.1.b.1), Mitigation Measures and Monitoring Guidelines Developed by the Interdisciplinary Team - Soils, Hydrology, and Water Quality, page 2-26

*The Forest ID Team also determined that topsoil replacement would not be done on the 0.3 miles of the existing access road within Sunshine Quartz Mine No. 4, again due to the lack of adequate topsoil and the rocky nature of the soil profile. This access road would be closed after completion of all rehabilitation work. Road surfaces would be scarified, and drainage structures would be installed as indicated in the Section 2.2 Descriptions of the Alternatives, Figures 5, 5A, and 6, pages 2-16 through 2-18.*

As indicated in Section 2.1.b.1) of the EA-Vegetation Mitigation Measures, page 2-26; and Sections 4.3.a and 4.3.b - Soils-Alternative A and B - Current Plan of Operations and Modified Plan of Operations, topsoil removal and replacement will be required at the ore storage and transfer site; therefore, a borrow area will not be needed for reclamation of this site.

#### **-Water Quality -**

There are no streams or watercourses at or near the 0.05-acre test pit site. Slate Creek is approximately 1,750 feet slope distance from this site. Nevertheless, surface water runoff will be controlled by the use of straw bales, silt fences, or other temporary measures installed prior to test pit work. These measures will reduce runoff to acceptable levels, and also satisfactorily reduce cumulative effects from past discovery and exploration work in the claim area. There are no other past or existing activities in the test pit areas that are adding to cumulative effects on water quality. (Refer to page 2-6 of the EA, Section 2.2.b.1 - Soil, Hydrology, and Water Quality Mitigation Measures, and pages 4-20 through

*4-24 of the EA, Section 4.4.b - Hydrology/Water Quality - Alternative B-FS Modified Plan of Operations).*

Short-term and minor increases of sedimentation may occur at the temporary camp/ore transfer site located along the access road to the claim area. The State of Utah Division of Water Quality expressed concern for runoff transporting eroded sediments from this site to the Lake Fork stream. A Forest Service mitigation measure has been developed that will require straw bales, silt fences, reverse grading, leveling, and sediment trap construction. These actions will prevent eroded sediments from being transported off-site. *(Refer to page 2-6 of the EA, Section 2.2.b.1 - Soil, Hydrology, and Water Quality Mitigation Measures, and pages 4-20 through 4-24 of the EA, Section 4.4.b - Hydrology/Water Quality - Alternative B-FS Modified Plan of Operations).*

*-Air Quality -*

Some dust will occur during excavation operations and ore hauling, but this impact will be satisfactorily mitigated by dust abatement mitigation measures. *(Refer to page 2-30 of the EA, Section 2.2.b.1 - Air Quality Mitigation Measures, and pages 4-29 through 4-30 of the EA, Section 4.5.b - Air Quality - Alternative B-FS Modified Plan of Operations).*

*-Wilderness -*

There will be no direct effects to Wilderness values from Alternative B-Modified Plan of Operations. There is a slight possibility that the test pit work will be seen from several locations at a distance of one or more miles within the adjacent High Uintas Wilderness. At this distance, the activity will appear as a natural occurrence, since the test pit area is located on a naturally occurring bare scarp face of north and east facing slopes. *(Refer to Section 4.6.b - High Uintas Wilderness-Alternative B Modified Plan of Operations, pages 4-31 through 4-33 of the EA).*

Uintah Mountain Copper Company has agreed to operation time frames that will minimize conflicts to users of the adjacent High Uintas Wilderness.

These time frames will be made part of the mitigation measures.

*Test pit work will not begin until August 1 2002. From this date until September 10, the workweek will begin Monday afternoon and end Friday*

*morning, with 10 -hour days Tuesday through Thursday. Thereafter, the workweek may be switched to a standard 8-hour, 5-day schedule. Major hauling and reclamation work will begin after September 10.*

The short-duration actions associated with Alternative B-Modified Plan of Operations will not significantly add to the cumulative effects to wilderness values. Other than the nearby Moon Lake Recreation Complex, no other future Forest Service actions or permitted activities are planned in the immediate vicinity of the Wilderness boundary. *(Refer to Section 4.6.b - High Uintas Wilderness-Alternative B Modified Plan of Operations, pages 4-31 through 4-33 of the EA).*

**-Inventoried Roadless Areas -**

The access road, test pit area, and test pit work will be outside of the any inventoried roadless area. Test pit excavation and ore removal/hauling activities will have short-term effects to some attributes associated with the inventoried roadless area surrounding the test pit area and on either side of the access road, but these attributes will return to pre-conditions upon completion of the project. *(Refer to Section 4.7 - Roadless Area-Inventoried Roadless Area Surrounding the Project Area, pages 4-34 through 4-31).*

The 1.26-acre temporary camp/ore transfer site is located within an inventoried roadless area. Upon completion of project work, all facilities associated with this site will be removed, and the site will be rehabilitated and closed. *(Refer to Section 2.1.b.1 - Mitigation Measures for Inventoried Roadless Area Surrounding the Project Area, page 2-30 of the EA).*

Utah Mountain Copper Company stated that they had obtained a map from the USDA-Forest Service in Washington DC that showed the entire project area and access road out side of the roadless boundary. I have determined that the map obtained by UMCC (dated September 2000) is one of the first maps developed by the Forest Service during preparation of the Forest Service Roadless Area Conservation Draft and Final EIS. The referenced map represented conditions and recommendations from the Ashley National Forest at that particular time. *Map 12, page 3-23 in the EA* currently represents the inventoried roadless areas addressed in the "Forest Service



Roadless Conservation Final EIS", dated December 2000, and the accompanying "Roadless Area Conservation Rule".

The High Uintas Preservation Council and Utah Environmental Congress expressed concerns over the fact that the EA did not address the Forest Plan's 'Blue Line,' and its associated restrictions. The 'Blue Line' is a term commonly used to describe the line containing an area on the Forest Plan map, described as an "Area remaining unroaded and with no commercial timber harvesting at the end of the first planning period."

The Blue Line was not addressed in the EA because the ore exploration and development proposal is located outside of this area. However, even if the case were made that the mine's proximity to the Blue Line cast doubt about its location relative to it, the Forest Plan restrictions linked to the Blue Line would not prohibit the type and scale of ore removal being considered here.

**-Recreation -**

The effects to recreation uses are short-term and indirect, and are associated with minor increases in traffic due to ore hauling trucks on Forest Development Road 131. The test pit and temporary camp/ore transfer site will not be seen from the Moon Lake Recreation Complex, and there will be direct or indirect effects to users and uses at this recreation site. *(Refer to Section 4.10 - Recreation, pages 4-43 through 4-44 of the EA).*

**-Facilities and Public Access and Safety -**

Public access along the access road to the test pit area will be curtailed or controlled during project operations to assure public safety. Thereafter, public access will be allowed along the portion of the access road that remains open to public use.

There will be minor impacts from ore haul truck use to the native surface of the access road to the test pit area, the paved road surface of Forest Development Road 131, and the paved surfaces of county and state roads. Ore hauling will occur over a 16-day period. Uintah Mountain Copper Company will be held responsible for repairs and maintenance under commensurate maintenance agreements with all concerned agencies.

There will be no other effects to public or private safety or facilities.

*(Refer to Section 2.2.b.1 -Mitigation Measures for Facilities, including Public Access and Safety, pages 2-31 and 2-32 of the EA; and Section 4.11 - Facilities, including Public Access and Safety, pages 4-44 through 4-49 of the EA).*

#### **Findings Required by Other Laws**

Alternative B-Modified Plan of Operations is consistent with the management direction and standards and guidelines as included in the Ashley National Forest Land and Resource Management Plan of 1986.

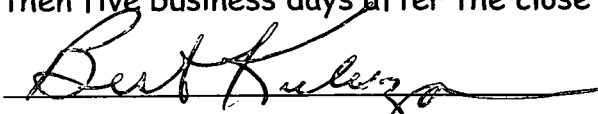
#### **Appeal and Review Rights**

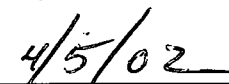
This decision may be appealed pursuant to 36 CRF 215.7. A written Notice of Appeal must be postmarked within 45 days after the date this notice is published in the Vernal Express, Vernal, Utah. The Notice of Appeal should be sent to USDA Forest Service, Intermountain Region, ATTN: Appeals Deciding Officer, 324 25<sup>th</sup> Street, Ogden, UT 84401, (801) 625-5605.

Appeals must meet the content requirements of 36 CRF 215.14. For further information on this decision, contact Chauncie Todd, Mineral, Special Uses and Lands Staff Officer, Ashley National Forest, 355 North Vernal Avenue, Vernal, Utah 84078 (435) 789-1181. Copies of the Decision Notice/FONSI and the file of public comments are available for public review at the Ashley National Forest Supervisor's Office in Vernal.

#### **Implementation**

If no appeal is received, implementation of this decision may occur no sooner than five business days after the close of the appeal period.

  
BERT KULESZA, Forest Supervisor  
Ashley National Forest

  
Date